

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT E. BAKER,

Plaintiff,

-against-

3:05-CV-0089
(LEK/DEP)

JO ANN B. BARNHART,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

FOR THE PLAINTIFF:

HINMAN, HOWARD LAW FIRM
P.O. Box 5250
700 Security Mutual Bldg.
Binghamton, NY 13902-5250

FOR THE DEFENDANT:

HON. GLENN T. SUDDABY
United States Attorney
Northern District of New York
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100 S. Clinton Street
Syracuse, NY 13261-7198

OFFICE OF GENERAL COUNSEL
Social Security Administration
26 Federal Plaza
New York, NY 10278

LAWRENCE E. KAHN
United States District Judge

OF COUNSEL:

EUGENE D. FAUGHNAN, Esq.

WILLIAM H. PEASE, Esq.
Assistant United States Attorney

BARBARA L. SPIVAK, Esq.
Chief Counsel, Region II

ANDREEA LECHLEITNER, Esq.
Assistant Regional Counsel

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on November 21, 2006 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(d) of the Northern District of New York. After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Robert E. Baker, which were filed on December 6, 2006.

It is the duty of this Court to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a *de novo* review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED that the Report-Recommendation (Dkt. No. 7) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendant’s Motion for judgment on the pleadings (Dkt. No. 6) is **GRANTED**; and it is further

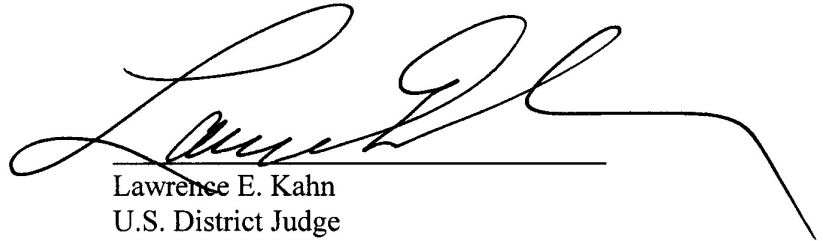
ORDERED, that the Commissioner’s determination of no disability is **AFFIRMED**; and it is further

ORDERED, that Plaintiff’s Complaint (Dkt. No. 1) is **DISMISSED** in all respects; and it is further

ORDERED that the Clerk serve a copy of this order on all parties by regular mail.

IT IS SO ORDERED.

DATED: January 23, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge